

**TOWN OF PALMER LAKE, COLORADO**

**RESOLUTION NO. 17 - 2024**

**A RESOLUTION ADOPTING THE REVISED EMPLOYEE HANDBOOK RELATING TO ANTI-HARASSMENT LANGUAGE AND THE ANTI-HARASSMENT POLICY**

**WHEREAS**, the Board of Trustees of the Town of Palmer Lake, Colorado, pursuant to Colorado statute and the Town of Palmer Lake Municipal Code, is vested with the authority of administering the affairs of the Town of Palmer Lake, Colorado;

**WHEREAS**, the Town of Palmer Lake, Colorado, adopted a revised Employee Handbook in January 2024; and

**WHEREAS**, the legislature has broadened the anti-harassment language relating to harassment in the workplace; and

**WHEREAS**, the sections of the handbook reflect the revised language; and

**WHEREAS**, revisions are likewise reflected in the town's anti-harassment policy.

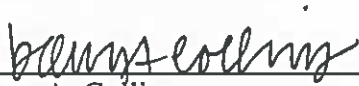
**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO AS FOLLOWS:**

1. The Board of Trustees for the Town of Palmer Lake hereby approves the revised sections of the handbook relating to anti-harassment and the anti-harassment policy, as attached hereto.
2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The Board of Trustees hereby declares that it would have passed this resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
3. Repeal. Existing resolutions or parts of resolutions covering the same matters embraced in this Resolution are hereby repealed and all resolutions or parts of resolutions inconsistent with the provisions of this Resolution are hereby repealed.

**INTRODUCED, RESOLVED, AND PASSED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 8th DAY OF FEBRUARY 2024.**

ATTEST:

TOWN OF PALMER LAKE, COLORADO

  
\_\_\_\_\_  
Dawn A. Collins  
Town Administrator/Clerk

BY:   
\_\_\_\_\_  
Grant Havenar  
Mayor

### 1.3 Equal Employment Opportunity

The Town is dedicated to the principles of equal employment opportunity (EEO). The Town prohibits unlawful discrimination against applicants or employees due to age 40 and over, race (including traits historically associated with race, such as hair texture and length and protective hairstyles), sex, Sexual orientation, gender identity, gender expression, color, religion, creed, national origin, ancestry, disability, military status, genetic information, marital status, or any other status protected by applicable state or local law. ~~This prohibition includes unlawful harassment based on any of these protected classes. Unlawful harassment includes verbal or physical conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. This policy applies to all employees, including managers, supervisors, co-workers, and non-employees such as Town officials, volunteers, customers, clients, vendors, consultants, etc.~~

### 1.4 ADA and Religious Accommodation

The Town will make reasonable accommodation for qualified individuals with known disabilities unless doing so would result in an undue hardship to the Town or cause a direct threat to health or safety. The Town will make reasonable accommodation for employees whose work requirements interfere with a religious belief, unless doing so poses undue hardship on the operations of the Town. Employees needing such accommodation are instructed to contact their supervisor or the Town Administrator immediately.

### 1.5 Pregnancy Accommodation

Employees have the right to be free from discriminatory or unfair employment practices because of pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth.

Employees who are otherwise qualified for a position may request a reasonable accommodation related to pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth. If an employee requests an accommodation, the Town will engage in a timely, good faith, and interactive process with the employee to determine whether there is an effective, reasonable accommodation that will enable the employee to perform the essential functions of her-their position. A reasonable accommodation will be provided unless it imposes an undue hardship on the Town's business operations.

The Town may require that an employee provide a note from a health care provider detailing the medical advisability of reasonable accommodation. Employees who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact the Town Administrator or designated Human Resources representative.

The Town will not deny employment opportunities or retaliate against an employee because of an employee's request for reasonable accommodation related to pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth. An employee will not be required to take leave or accept an accommodation that is unnecessary for the employee to perform the essential functions of the job.

## EEO Harassment

The Organization strives to maintain a work environment free of unlawful harassment. Unlawful harassment includes any unwelcome physical or verbal conduct or any written, pictorial, or visual communication directed at an individual (or group) because of that individual's (or group's) membership in, or perceived membership in, a protected class that is subjectively offensive to the individual alleging harassment, and is objectively offensive to a reasonable individual who is a member of the same protected class. Harassment does not need to be in person and can occur over electronic media, such as Zoom or other electronic platforms. Prohibited behavior may include but is not limited to the following:

- Written form, such as cartoons, emails, posters, drawings, or photographs.
- Verbal conduct, such as epithets, derogatory comments, slurs, or jokes.
- Physical conduct, such as assault or blocking an individual's movements.

This policy applies to all employees, including managers, supervisors, coworkers, and nonemployees, such as customers, clients, vendors, consultants, etc.

## **1.6 Sexual Harassment**

The Town strongly opposes sexual harassment and inappropriate sexual conduct. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- Submission to such conduct is made explicitly or implicitly a term or condition of employment.
- Submission to, objection to, or rejection of, such conduct is used as the basis for decisions affecting an individual's employment.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

All eEmployees are always expected to conduct themselves in a professional business-like manner. Conduct that may violate this policy includes, but is not limited to, sexually implicit or explicit communications whether in:

- Written form, such as cartoons, posters, calendars, notes, letters, e-mails.
- Verbal form, such as comments, jokes, foul or obscene language of a sexual nature, gossiping, or questions about another's sex life, or repeated unwanted requests for dates.
- Physical gestures and other nonverbal behavior, such as unwelcome touching, grabbing, fondling, kissing, massaging, and brushing up against another's body.

## Complaint Procedure

If you believe there has been a violation of the EEO policy or harassment based on a protected class, including sexual harassment, please use the following complaint procedure. The Organization has established a program designed to prevent harassment, deter future harassers, and protect employees from harassment. The Organization takes prompt action to investigate and/or address alleged discriminatory or unfair employment practices. The Organization also takes prompt remedial actions, when warranted, in response to complaints of discriminatory or unfair employment

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practices. The Organization, therefore, expects employees to make a timely complaint to enable the Organization to investigate and correct any behavior that may be in violation of this policy.

Report the incident to (Specify person by job title. Depending on the organization, the Employer should name no less than two persons in authority, preferably one male and one female, such as Manager, Human Resources Director, President, Executive Director, in-house counsel, Board of Directors, or Management Committee, etc. This is especially important for companies with remote work site locations or no central Human Resources Department), who will investigate the matter and take corrective action. Your complaint will be kept as confidential as practicable. If you prefer not to go to either of these individuals with your complaint, you should report the incident to (specify person by job title).

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The Organization prohibits retaliation against an employee for filing a complaint under this policy or assisting in a complaint investigation. If you perceive retaliation for making a complaint or participating in the investigation, please follow the complaint procedure outlined above. The situation will be investigated.

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If the Organization determines that an employee's behavior violates this policy, disciplinary action will be taken, up to and including termination of employment.

Refer to the Anti-harassment Policy.



## ANTI-HARASSMENT POLICY

|             |               |                |  |
|-------------|---------------|----------------|--|
| ISSUE DATE: | FEBRUARY 2021 | REVISION DATE: |  |
|-------------|---------------|----------------|--|

### I. PURPOSE

The purpose of this policy is to maintain a healthy work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating and resolving complaints of harassment, discrimination and retaliation.

### II. POLICY

It is the policy of the Town of Palmer Lake that all employees have the right to work in an environment free of all forms of discrimination, harassment and retaliation. The Town will not tolerate, condone, or allow harassment, discrimination or retaliation by any employee or other non-employees who conducts business with the Town.

#### Equal Employment Opportunity/Unlawful Harassment

The Town of Palmer Lake is dedicated to the principles of equal employment opportunity. The Town prohibits unlawful discrimination against applicants or employees on the basis of age 40 and over, race ~~(including traits historically associated with race, such as hair texture and length and protective hairstyles)~~, sex, sexual orientation, gender identity, gender expression, color, religion, creed, national origin, ancestry, disability, military status, genetic information, marital status, or any other status protected by applicable state or local law. ~~This prohibition includes unlawful harassment based on any of these protected classes. Unlawful harassment includes verbal or physical conduct which has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. This policy applies to all employees, including managers, supervisors, co-workers, and non-employees such as customers, clients, vendors, consultants, etc.~~

#### ADA and Religious Accommodation

The Town will make reasonable accommodation for qualified individuals with known disabilities unless doing so would result in an undue hardship to the Organization or cause a direct threat to health or safety. ~~The Organization will make reasonable accommodation for employees whose work requirements interfere with a religious belief, unless doing so poses an undue hardship on the Organization, and employees whose work requirements interfere with a religious belief unless doing so would result in an undue hardship to the Town operations or cause a direct threat to health or safety.~~

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interactive process with the employee to determine whether there is an effective, reasonable accommodation that will enable the employee to perform the essential functions of her position. A reasonable accommodation will be provided unless it imposes an undue hardship on the Town's business operations.



The Town may require that an employee provide a note from her health care provider detailing the medical advisability of the reasonable accommodation. Employees who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact the Town Administrator/Clerk or Human Resources designee.

The Town will not deny employment opportunities or retaliate against an employee because of an employee's request for a reasonable accommodation related to pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth. An employee will not be required to take leave or accept an accommodation that is unnecessary for the employee to perform the essential functions of the job.

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**Complaint Procedure**

If an employee believes there is a violation of the EEO policy or harassment based on the protected classes listed above, including sexual harassment, please use the following complaint procedure.

The Town has established a program designed to prevent harassment, deter future harassers, and protect employees from harassment. The Town takes prompt action to investigate and/or address alleged discriminatory or unfair employment practices. The Town also takes prompt remedial actions, when warranted, in response to complaints of discriminatory or unfair employment practices. The Town expects employees to make a timely complaint to enable the Town Administrator, or designee, to investigate and correct any behavior that may be in violation of this policy.

Report the incident to Town Administrator/Clerk or, if preferred, the Town Attorney, who will investigate the matter and take corrective action. A complaint will be kept as confidential as practicable. If an employee prefers not to go to either of these individuals with a complaint, the incident should be reported to the Mayor.

The Town of Palmer Lake prohibits retaliation against any employee for filing a complaint under this policy or for assisting in a complaint investigation. If a Town employee believes there has been a violation of the EEO or retaliation standard, please follow the complaint procedure outlined above. The situation will be investigated.

If the Town determines that an employee's behavior is in violation of this policy, disciplinary action will be taken, up to and including termination of employment.